

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL A. MISTURA and
CAMILLE ARIOLI-MISTURA,

Plaintiffs,

v.

Civil No. 05-73488
Hon. John Feikens

DAIMLERCHRYSLER CORPORATION,
a Delaware corporation, and JOHN DOE,

Defendants.

OPINION AND ORDER

Plaintiffs assert that this Court has diversity jurisdiction over Plaintiffs' three state law claims. Plaintiffs allege that they reside in Sterling Heights, Michigan and that Defendant DaimlerChrysler is a Delaware corporation headquartered in Michigan. (First Am. Compl. ¶¶ 1, 2.) Defendant DaimlerChrysler alleges its principal place of business is in Oakland County, Michigan. (Ans. ¶ 2.) "A corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business." 28 U.S.C. 1332(c)(1). It appears from the pleadings that Plaintiffs and Defendant DaimlerChrysler are citizens of Michigan, and thus complete diversity of citizenship is lacking. See Exxon Mobil Corp. v. Allapattah Servs., 125 S. Ct. 2611, 2617-18 (2005) (citing Strawbridge v. Curtiss, 7

U.S. 267 (1806). I DISMISS this case without prejudice for lack of jurisdiction. See Fed. R. Civ. P. 12(h)(3).

IT IS SO ORDERED.

Date: October 27, 2005

s/John Feikens

United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on October 27, 2005, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager